IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3205 of 2005

Between:

Alia Satyanarayana @ T.V. Satyam S/o. Meenaiah,
H.No. 6-6-53, Jagtial, Karimnagar District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Jagtial, Karimnagar District.
2 Papunka Papavva W/o. Gangaram,
Residing in Gunj Mohalla, Jagtial, Karimnagar District.
3 Karnala Rama Murthy S/o. Karnala Venkat Narsaiah,
H.No.2-6-123, Shiva Veedhi, Jagtial in Karimnagar District.
4 Karnala Gangaram (Dead) Per L.Rs. Respondents 8 to 14
5 Karnala Deve Murthy S/o. Venkat Narsaiah
H.No. 2-6-123, Shiva Veedhi, Kagtial in Karimnagar District.
6 Bale Radha @ Parijatham W/o. Satyanarayana
H.No. 1-2-26/2, Krishan Nagar, Jagtial in Karimnagar District.
7 Mandal Revenue Officer, Jagtial, Karimnagar District.
8 Karnala Subhadra W/o. Dr. K. Gangaram
9 Karnala Jagdeesh S/o. Gangaram
10 Karnala Janardhan S/o. Gangaram
11 Karnala Jamuna D/o. Gangaram
12 Karnala Jaya D/o. Gangaram
13 Karnala Jai Sheela D/o. Gangaram
Respondents 8 to 13 are residing in Puranipet, Jagtial Proper in Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order , direction or writ more in the nature of writ of Mandamus declaring the

action of the 1st respondent in not impleading the petitioner in the proceedings No. B/108/2004 pending before him as bad, illegal, arbitrary and to set aside the same consequently directing the 1st respondent to implead the petitioner in the said proceedings and be pleased to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR. C.RAMESH SAGAR

Counsel for the Respondent No.1: GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.3205 OF 2005

-

ORDER :

The 2nd respondent herein has filed an Appeal under Section 5(5) of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 and the same is pending before the 1st respondent vide Appeal No.108/2004. The petitioner states that he is the owner and possessor of the land, situated in Sy.No.155 of Jagtial Revenue Village of Karimnagar District, which is the subject matter of the said Appeal, having purchased the same from one Karnala Rama Murthy who is the first respondent in the Appeal. Since the petitioner claims to be in actual possession of the land in question, he filed an application before the 1st respondent with a prayer to implead him as party to the Appeal pending on his file. The grievance of the petitioner is that though the said application was filed as long back as on 29-09-2004, the first respondent failed to consider the same and while keeping the said application pending, he has been proceeding with the main appeal. Hence, this petition seeking a declaration that the action of the 1st respondent is arbitrary and illegal.

Having heard the learned Counsel for the petitioner and the learned Government Pleader appearing for the 1st respondent, I am of the view that the first respondent ought not to have proceeded with the main appeal without considering petition to implead filed by the petitioner herein.

Accordingly, the Writ Petition is disposed of with a direction to the first respondent to consider the application filed by the petitioner on 29-09-2004 under Order 1 Rule 10 of C.P.C. and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of two weeks from the date of receipt of this order. It is made clear that the first respondent shall not proceed further with Appeal No.B/108/2004 without deciding the application to implead filed by the petitioner. No costs.

_____

04th March, 2005.

gbs

To

1 The Revenue Divisional Officer, Jagtial, Karimnagar District.
2. Two CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT).

3. 2 CD copies